

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VINCENTE URAIN SOLOMON,

Plaintiff,

vs.

G. LEWIS et al.,

Defendants.

No. C 11-02827 (LHK)

ORDER DIRECTING CLERK TO  
REISSUE SUMMONSES

On January 13, 2012, Plaintiff, a California inmate at the California Correctional Institution ("CCI") in Tehachapi, filed a second amended complaint ("SAC") pursuant to 42 U.S.C. § 1983 against Salinas Valley State Prison ("SVSP") officials. (Docket No. 14.) On April 9, 2012, the Court ordered service of Plaintiff's SAC upon the named Defendants. (Docket No. 15.)

The summonses for the following Defendants were sent to SVSP, where Plaintiff indicated the Defendants were located, and were returned unexecuted on May 2, 2012: CC2 T. Miner, Correctional Officer ("C/O") Sgt. Bonville, CDW G. Lewis, Sgt. P. Murphy, C/O Blakemanship, Sgt. Moyer, C/O Hollingworth, CDW J. Negrete, Capt. M. Bryant, CSR J. Short, C/O Dornan, C/O J. Cable, C/O B. Long, C/O K. Cannon, C/O Citch, and C/O Syner. (Docket

Nos. 17-32.) On May 21, 2012, the Court directed Plaintiff to provide more information to locate Defendants so that the Marshal could effect service. (Docket No. 38.) Plaintiff has filed a response to the Court's order providing additional location and identifying information for the unserved defendants. (Docket No. 39.)

Plaintiff's response indicates that the following Defendants are currently employed at CCI in Tehachapi: **Sgt. P. Murphy, CDW J. Negrete, Capt. M. Bryant, CC2 T. Miner, Sgt. Bonville, C/O Blakemanship, C/O Hollingworth, C/O J. Cable, C/O B. Long, C/O Cannon, C/O Citch, C/O Snyder, and CSR J. Short.** Plaintiff submitted documentation which provides additional identifying information for four of the above listed Defendants:

1. **Sgt. P. Murphy:** CCI - ICC: SHU Initial Review, committee member
2. **J. Negrete, CDW (A):** CCI - ICC: SHU Initial Review, Chairperson
3. **M. Bryant, FC:** CCI - ICC: SHU Initial Review, committee member
4. **T. Miner, C&PR (A):** CCI - ICC: SHU Initial Review, Recorder

Plaintiff further provides that there is also an Appeals Coordinator **T. Miner** at SVSP. Plaintiff provided updated employment information for Defendant **Sgt. Moyer**. Plaintiff states that **Sgt. Moyer** is currently a CCI Counselor on C-Yard at SVSP. Plaintiff states that **Sgt. Moyer** may also be known as **Sgt. Meyers**.

Plaintiff does not provide any additional information for Defendants **G. Lewis** and **C/O Dornan**.

### CONCLUSION

For the reasons stated above, the Court orders as follows:

1. Plaintiff's claims against Defendants **G. Lewis** and **C/O Dornan** are **DISMISSED** without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. The Clerk shall terminate these Defendants from this action.
2. The Clerk of the Court shall mail a Notice of Lawsuit and Request for Waiver of Service of Summons, two copies of the Waiver of Service of Summons, a copy of the SAC and all attachments thereto (Docket No. 14), a copy of the Court Order filed April 9, 2012, (Docket No. 15) and a copy of this order upon the following Defendants: **Sgt. P. Murphy, ICC – SHU**

**Initial Review, committee member; CDW J. Negrete, ICC – SHU Initial Review, Chairperson; Capt. M. Bryant, ICC – SHU Initial Review, committee member; CC2 T. Miner, ICC – SHU Initial Review, Recorder; Sgt. Bonville; C/O Blakemanship; C/O Hollingworth; C/O J. Cable; C/O B. Long; C/O Cannon; C/O Citch; C/O Snyder; and CSR J. Short at California Correctional Institution, P.O. Box 1030, Tehachapi, CA 93581.**

3. The Clerk of the Court shall mail a Notice of Lawsuit and Request for Waiver of Service of Summons, two copies of the Waiver of Service of Summons, a copy of the SAC and all attachments thereto (Docket No. 14), a copy of the Court Order filed April 9, 2012, (Docket No. 15) and a copy of this order upon Defendants **CC2 T. Miner**, Appeals Coordinator and **Sgt. Moyer or Sgt. Meyers at Salinas Valley State Prison, P.O. Box 1020, Soledad, CA 93960-1020.**

4. Defendants are cautioned that Rule 4 of the Federal Rules of Civil Procedure requires them to cooperate in saving unnecessary costs of service of the summons and SAC. Pursuant to Rule 4, if Defendants, after being notified of this action and asked by the Court, on behalf of Plaintiff, to waive service of the summons, fail to do so, Defendants will be required to bear the cost of such service unless good cause be shown for their failure to sign and return the waiver form. If service is waived, this action will proceed as if Defendants had been served on the date that the waiver is filed, except that pursuant to Rule 12(a)(1)(B), Defendants will not be required to serve and file an answer before sixty (60) days from the date on which the request for waiver was sent. (This allows a longer time to respond than would be required if formal service of summons is necessary.) Defendants are asked to read the statement set forth at the bottom of the waiver form that more completely describes the duties of the parties with regard to waiver of service of the summons. If service is waived after the date provided in the Notice but before Defendants have been personally served, the Answer shall be due sixty (60) days from the date on which the request for waiver was sent or twenty (20) days from the date the waiver form is filed, whichever is later.

5. The Clerk shall also mail a courtesy copy of this order to the California Attorney General's Office.

1           6. Defendants shall file a motion for summary judgment or other dispositive  
2 motion with respect to the claims in the complaint found to be cognizable, and briefing shall  
3 proceed thereafter, in accordance with the schedule and instructions set forth in the Court's  
4 Order of Service, filed April 9, 2012, (Docket No. 15).

5           IT IS SO ORDERED.

6  
7 DATED: 7/19/12

  
LUCY H. KOH  
United States District Judge